

CASE# 2017-017  
RESOLUTION NUMBER 11-1

**DENYING A REZONING AND GRANTING A USE VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**9805 PALM ROAD, GLENARM**  
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **deny a rezoning and grant a use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Troy Rodriguez**, has petitioned the Sangamon County Board for a **rezoning from “A” Agricultural District to “B-2” Retail Business District**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **April 20, 2017** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **deny the rezoning, but in the alternative, grant a use variance to allow a gymnastics center with a condition that a solid fence or landscape screen to the satisfaction of the Zoning Administrator be provided along the north, west, and south perimeters of the property**; and,

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

**FILED**

APR 27 2017

*Don J. Hayes*  
Sangamon County Clerk

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**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **9<sup>th</sup> Day of May, 2017** that the request to rezone the above described property from “A” Agricultural District to “B-2” Retail Business District be denied, but in the alternative, grant a use variance to allow a gymnastics center with a condition that a solid fence or landscape screen to the satisfaction of the Zoning Administrator be provided along the north, west, and south perimeters of the property.

Signed and passed by the Sangamon County Board in session on this **9<sup>th</sup> day of May, 2017.**

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

\_\_\_\_\_  
DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

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**EXHIBIT A**

Part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal meridian, described more particularly as follows: Beginning at the Northeast corner of a survey as recorded in Book 670, Page 541 in the Office of the Sangamon County recorder at a found pipe, the true point of beginning, thence South along the East line of said survey a distance of 135 feet to an iron pin, thence West parallel to the North line of said survey distance of 325 feet to an iron pin, thence North parallel to the East line of said survey; a distance of 135 feet to an iron pin, thence East along the North line of said survey a distance of 325 feet to the true point of beginning for Tract I.

Situated in Sangamon County, Illinois.

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: #5 NAME: Pam Deppe

DOCKET NUMBER: 2017-017

ADDRESS: 9805 Palm Road, Glenarm, IL 62536

PETITIONER: Troy Rodriguez

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District.

AREA: 1.01 acres

COMMENTS: None

OBJECTORS: Yes

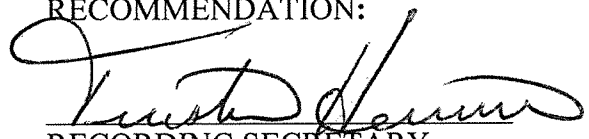
PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-2 zoning. The petitioner plans to construct a gymnastics center on the subject property. The LESA score of 165 indicates the property is marginal requiring mitigating factors for non-agricultural development. The immediate area has developed with commercial uses eliminating the cropland in the area. It is also unlikely that this parcel would be returned to cropland. This could be considered a mitigating factor. The long history of Use Variances and CPUs being granted in this area indicates the County Board believes commercial and business type uses are a benefit to the community at this location. Staff believes the list of permitted uses in the B-2 District is too intense for this area. In the alternative, staff recommends a Use Variance in the A district to allow a gymnastics center on the subject property with a condition that a solid fence or landscape screen to the satisfaction of the Zoning**

**Administrator be provided along the north, west, and south perimeters of the property.**

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

**Approval of Staff Recommendation.**

  
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2017-017</b>
<b>Troy Rodriguez</b> )	
)	PROPERTY LOCATED AT:
)	<b>9805 Palm Road</b>
)	<b>Glenarm, IL 62536</b>

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **April 20, 2017** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **9805 Palm Road, Glenarm, IL 62536** and more particularly described as:

**See Exhibit A**

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- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is **an office.**
- 5. That the proposed land use of said property is **a gymnastic center.**
- 6. That the requested **rezoning** of said property is **from “A” Agricultural District to “B-2” Retail Business District.**
- 7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).
- 8. The evidence adduced at the hearing **does not** support the proposition that the adoption of the proposed **amendment** is in the public interest and is not solely in the interest of the petitioner(s), but does support the adoption of a use variance to allow a gymnastics center.

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **rezoning be denied, but in the alternative, grant a use variance for a gymnastics center with a condition that a solid fence or landscape screen to the satisfaction of the Zoning Administrator be provided along the north, west, and south perimeters of the property.**

  
 CHAIRMAN 90



MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied of the rezoning but approve a use variance to allow a gymnastics center with a condition that a solid fence or landscape screen to the satisfaction of the Zoning Administrator be provided along the north, west, and south perimeters of the property** which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:

  
RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-017**

Address: **9805 Palm Road, Glenarm**

- (i) Existing uses of property within the general area of the property in question.

**North – Single-family residence and campground. East – Interstate 55 and cropland. South – Vacant, classic car dealer, and lawn care service. West – Single-family residence and cropland.**

- (ii) The zoning classification of property within the general area of the property in question.

**North, East, South, & West – Agricultural.**

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

**The Agricultural District does not allow a gymnastics center. The LESA score of 165 indicates the property is marginal requiring mitigating factors for non-agricultural development. The immediate area has developed with commercial uses eliminating the cropland in the area. It is also unlikely that this parcel would be returned to cropland. This could be considered a mitigating factor.**

- (iv) The trend of development, within the vicinity since the property was originally classified.

**In 2008, B-3 and a variance were denied and later a use variance was granted for an antique auto sales business south of the subject property. In 2002, B-2 was denied and a use variance was granted for an expansion of a RV sales & service business north of the subject property. In 1999, R-1 was denied for several parcels northwest of the subject property. In 1995, a CPU was granted for a lawn care service south of the subject property. In 1984, B-2 was denied and a use variance was granted for an RV sales & service business north of the subject property. The trend of development for the area could support granting a Use Variance for the subject property.**

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**RECOMMENDED STANDARDS FOR USE VARIATIONS  
(ALLOW A GYMNASTICS CENTER IN THE A DISTRICT)**

Case #: 2017-017

Address: 9805 Palm Road, Glenarm

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

**Previous Use Variances have been granted south and north of the subject property along Palm Road. The proposed use (gymnastics center) is not seen to be more intense than previous CPU uses and Use Variances to allow a lawn care service business, antique auto sales dealer, RV dealer, and RV sales and service.**

- (ii) that the variance is compatible with the trend of development in the area.

**There is a mixed character of development in the area with residential, commercial, campground, and cropland.**

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

**The long history of Use Variances and CPUs being granted in this area indicates the County Board believes commercial and business type uses are a benefit to the community at this location. In 2008, B-3 and a variance were denied and later a use variance was granted for an antique auto sales business south of the subject property. In 2002, B-2 was denied and a use variance was granted for an expansion of a RV sales & service business north of the subject property. In 1999, R-1 was denied for several parcels northwest of the subject property. In 1995, a CPU was granted for a lawn care service south of the subject property. In 1984, B-2 was denied and a use variance was granted for an RV sales & service business north of the subject property.**

- (iv) that the variance will not create a negative impact on the area, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

**Drainage and septic issues are concerns that will need to be addressed with the building permit. Negative impacts are not anticipated over existing conditions.**

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Parcel # 29-16-400-026

Zoning Case # 2017-017

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
90% or more	20	
<b>75-89%</b>	<b>10</b>	<b>10</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
90% or more	20	
75-89%	10	
<b>50-74%</b>	<b>5</b>	<b>5</b>
Under 50%	0	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
75-100%	10	
50-74%	5	
<b>Under 50%</b>	<b>0</b>	<b>0</b>
<b><u>COUNTY SECTOR</u></b>		
Rural	20	
<b>0.5 mile from incorporated area</b>	<b>10</b>	<b>10</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
<b>75% or more</b>	<b>20</b>	
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	<b>20</b>
<b><u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u></b>		
Negative impact	15	
Little or none with protective measures	5	
<b>Little or none</b>	<b>0</b>	<b>0</b>
<b><u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u></b>		
Negative impact	10	<b>0</b>

<b>No impact</b>	<b>0</b>	
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<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	<b>0</b>
18'-20' pavement, 40' ROW	10	
<b>&gt; 20' pavement, 40' ROW or County or State Highway</b>	<b>0</b>	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
<b>Not available</b>	<b>15</b>	
Sewer over 600'-1200' away	8	<b>15</b>
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	<b>0</b>
Less than 1,000' away	5	
<b>Public water available at site</b>	<b>0</b>	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	<b>5</b>
<b>2.6-5 miles</b>	<b>5</b>	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	<b>0</b>
<b>Less than 15 minutes</b>	<b>0</b>	

<b>SITE ASSESSMENT TOTAL</b>	<b>65</b>
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**Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)**

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	100	100	100
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	

705A	Buckhart	P	98
199B	Plano	P	98
36B	Tama	P	98
244A	Hartsburg	P2	98
257A	Clarksdale	P2	98
68A	Sable	P2	87
679B	Blackberry	P	87
705B	Buckhart	P	87
86B	Osco	P	87
684B	Broadwell	P	87
50A	Virden	P2	87
712A	Spaulding	P2	87
127B	Harrison	P	87
3077A	Huntsville	P3	87
138A	Shiloh	P2	87
249A	Edinburg	P2	87
242A	Kendall	P2	87
7242A	Kendall	P2	87
134A	Camden	P	87
17A	Keomah	P2	87
3451A	Lawson	P3	75
3107A	Sawmill	P5	75
7075B	Drury	P	75
8396A	Vesser	P2	75
3074A	Radford	P3	75
3073A	Ross	P3	75
3284A	Tice	P3	75
279B	Rozetta	P	75
45A	Denny	P2	75
134B	Camden	P	75
112A	Cowden	P2	75
685B	Middletown	P	75
3405A	Zook	P5	75
131C2	Alvin	P	75
86C2	Osco	I	74
36C2	Tama	I	74
684C2	Broadwell	I	74
119C2	Elco	I	74
119D	Elco	I	74
127C2	Harrison	I	74
119D2	Elco	I	74
567C2	Elkhart	I	74
134C2	Camden	I	74
259C2	Assumption	I	74
685C2	Middletown	I	74
280D2	Fayette	I	74
119D3	Elco	N	74
259D2	Assumption	I	74
212C2	Thebes	I	74
630C2	Navlys	I	74

630D2	Navlys	I	74
630D3	Navlys	I	57
131D2	Alvin	I	57
8D	Hickory	I	50
8D2	Hickory	I	50
280D3	Fayette	I	44
8D3	Hickory	I	44
8F	Hickory	N	44
549G	Marseilles	N	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, Silty	N	
W	Water		

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>	<b>100</b>
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<b>GRAND TOTAL</b>	<b>165</b>
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Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.